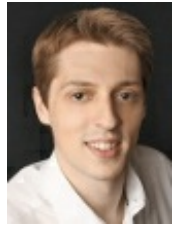


The difficulties in negotiating a joint European energy policy might ultimately help drive the transition to renewable energy sources.

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While most European countries agree on the need to move toward renewable energy, there is little agreement on how this should be achieved. As [Andreas Grimm](#) writes, efforts to negotiate a joint European energy solution have not only been beset by problems, but risk impeding individual states, such as Germany, from pursuing their own transition policies. Despite these difficulties, however, the transnational nature of moving to renewable energy sources might make a European agreement the only way forward.



Although there is broad consensus on the long-term need for a restructuring of the energy sector towards a greater use of renewable energies (wind power, photovoltaic, solar thermal power, hydropower, biogas, geothermal energy) in Europe, there still exists considerable differences when it comes to the question of which way could lead to a sustainable and environmentally friendly energy supply. Germany, as one of the most ambitious proponents of a quick energy turnaround in Europe, relies on the rapid expansion of renewables and the abandonment of the use of nuclear energy by the year 2022; however, this strategy as well as the German go-it-alone approach is being increasingly criticised by their [European neighbours](#) and at the European Union (EU) level. In France, for example, nuclear power is hailed as “carbon neutral”, and the EU Commissioner for Energy, Günther Oettinger, has long been calling for a common [European solution](#).

However, in the framework of the European Union it is not just divergences in the political realm that call into question unilateral transformation efforts in the energy sector; there is also significant potential for conflict in the community’s legal framework as well, which presents challenges to the implementation of individual measures. The basis for a comprehensive common energy policy laid down in the Lisbon Treaty reveals how unrealistic the possibility of a unilateral solution appears in the long run: [Article 194\(1\)\(a-d\) TFEU](#) places the creation of a functioning European energy market, ensuring the security of energy supply, promoting energy efficiency and energy saving, developing new and renewable energy sources and the promotion of trans-European networks in the hands of the EU. Apart from that, already today there is significant potential for political and legal conflict in the field of the EU’s competition and state aid law that will, sooner or later, take concrete shape in the form of preliminary rulings and infringement proceedings before the European Court of Justice (CJEU) and which will demand more collaborative efforts and state-centred approaches.



Wind Turbine, Credit: epSos.de (CC-BY-SA-3.0)

So if the transformation to renewable energy sources will inevitably become part of the EU’s political and legal process as well, there are two questions that need to be answered. First, does the European Union – especially in

times of economic and financial crisis – possess sufficient resources to actively and efficiently shape a major project like European energy transition? Second, can the EU's political institutions generate the necessary political will to formulate and implement effective political programmes?

The latter could be especially difficult in energy policy since in an EU of 28 Member States, there already exists great diversity in the focused use of different energy sources. Poland, for example, derives 90 per cent of its energy from coal-fired power plants, while France gets about 80 per cent of its electricity from nuclear power stations. Under such conditions it cannot be expected that member states will give up their right of choice over their own “energy mix” (granted in [Article 194\(2\) TFEU](#)) in the near future. Furthermore, the expected short-term costs for the restructuring of the energy sector would be considerable and the public perception of energy problems in Europe varies greatly from one EU member state to another.

Against this backdrop, the integration of energy policy and the need to find a common European solution could prove to be a stumbling block for any trailblazing efforts by individual states and could potentially serve to thwart the development of renewable energy sources as a whole. In Germany, for example, this would be the case if the support system of the [German Renewable Energy Act \(EEG\)](#) is no longer excluded from European prohibition of state aid, while, at the same time, there is no such European equivalent.

However, the challenges in developing a European wide sustainable energy policy through the political and legal framework of the EU represent only one side of the coin. At the same time, and despite all these difficulties, it must also not be overlooked that the problems and challenges which are intended to be met by the energy transition are transnational in nature and thus cannot be solved sufficiently at the national level. From this perspective it can be seen as a glimpse of light that the endeavours to transform energy systems in individual member states have provoked significant political and legal reactions at the EU level. The new [Energy Roadmap 2050](#) submitted by the European Commission in December 2011, for example, could be understood as a direct reaction to curb unilateral measures by providing a common European agenda for action. Moreover, Commissioner Oettinger recently called, in reference to the German Renewable Energy Sources Act (EEG), for a “[European EEG](#)”. And the [French government has now officially launched an open public debate on energy transition](#) and the future of nuclear energy, under which the former Minister of the Environment, Delphine Batho, has called for a “[patriotisme écologique](#)”.

What becomes apparent here is not only the fact that there is already a shared perception of problems, as well as common ways of problem solving in the field of energy policy in Europe; more importantly, there is also a diffusion of policy agendas between different levels of action in the EU's political and legal community. Thus it might turn out that the shift to renewable energy sources in Europe will be accomplished not despite of, but precisely because of the political and legal interdependencies at the different levels of the European Union. In the end it could be that it is exactly this diffusion mechanism of proactive national transformation measures and reactions on the different levels of the community that pave the way to successful energy transition in Europe. Understanding these complex, though non-centralised processes of problem solving and policy-diffusion at the EU level, is as important for political science research on European energy transition as it is for practical policy and decision-making.

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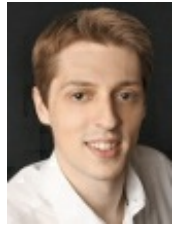
Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.

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